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C.M.P.No.16134 of 2022
in Tr.C.M.P.No.152 of 2022

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S.M. SUBRAMANIAM, J.

The Civil Miscellaneous Petition herein has been filed seeking the relief to extent the time by three months from the date of the order to try and dispose of the suit in O.S.No.13660 of 2010.

2.The learned counsel for the petitioner made a submission that while transferring the suit instituted in O.S.No.13660 of 2010 to the XIX Additional City Civil Court, Chennai, this Court directed the Court to dispose of the suit on or before 30.06.2022.

3.The grievances of the petitioners is that the suit was not disposed of as per the directions of this Court on or before 30.06.2022 and even thereafter, the suit was not disposed of till the 1st week of September, 2022 and thus, the petitioners have chosen to file the present civil miscellaneous petition on 07.09.2022 seeking the relief to extend the time by three months.

4.The question arises (i) Whether the petitioners have locus to file such a petition seeking extension of time as disposal of the case is not within the hands of the petitioners? (ii) Whether the petitioners can file a petition seeking extension of time on behalf of the Court concerned and such procedure is permissible or not? (iii) Whether the procedure being adopted in issuing direction to extent the time would resolve the issue by



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disposing of the suit in the present case?

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5.It is not in dispute that the orders passed by the High Court are to be implemented scrupulously by all concerned. Such directions cannot be issued for mere purpose, but issued for its execution and this Court is witnessing that such direction issued for speedy disposal of cases are mostly unable to be implemented by the District Courts on account of varieties of reasons. Workload and pressure of the District Courts are to be considered while granting extension of time. Number of cases pending before the Court concerned and the priority to be granted to Senior citizen cases and urgent cases are to be taken note of. Other mitigating factors are also to be considered and therefore, this Court is of the considered opinion that the Court concerned is the best person to regulate its own proceedings in respect of the cases on its board and mere direction without making assessment of those factors, if issued by the High Court, the orders will not be workable and ultimately, the High Court will not be in a position to execute such orders nor contempt can be initiated.

6.The disposal of cases involves various factors. Parties to the cases must co-operate for early disposal. Unnecessary adjournments to be avoided. Cases are to be progressed whenever it is listed for hearing. Unnecessary filing of Interlocutory Applications or other applications are to be avoided. Thus, the disposal of the suit involves various factors, which are all to be considered for the purpose of granting extension of time or to issue direction to dispose of the suit.



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7.That apart, practical difficulties of the District Judiciary are also to be taken into consideration, since the parties are having different ideas for conducting their respective cases. Adjournments on flimsy grounds are to be rejected. Adjournments if sought for on genuine grounds, then reasons are to be recorded for such adjournments. Systematic approach and consistent manner of disposal would be of greater assistance for better results in the matter of disposal of cases.

8.Thus, this Court is of considered opinion that the direction by this Court cannot provide any locus to any of the party to file a petition seeking extension of three months time for disposal of the case, since it involves various other factors.

9.In the present case, the Court concerned has not filed any petition seeking extension of time. Thus, the present petition filed by the petitioners herein is not entertainable and it is for the Court concerned to regulate its own proceedings and ensure that the cases are disposed of as expeditiously as possible and without causing any undue or unreasonable delay. Accordingly, the Civil Miscellaneous Petition is disposed of.

06.02.2023

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S.M. SUBRAMANIAM, J.

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